

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1774.01
COMPLAINT INVESTIGATOR: Jane Taylor-Holmes
DATE OF COMPLAINT: June 6, 2001
DATE OF REPORT: July 6, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: July 26, 2001

COMPLAINT ISSUES:

Whether the University Schools and the Burris Laboratory Schools violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's *individualized education program* (the "IEP") as written, specifically:

- a. failing to use the assignment book to note when tests are scheduled; and
- b. failing to provide an adult staff to be present with the student in the lunchroom.

511 IAC 7-27-9(b) with regard to the school's failure to make available to the student who has a disability the variety of educational programs and services that are made available to nondisabled students, specifically, meals in the lunchroom.

511 IAC 7-27-6(a)(2) with regard to the school's alleged failure to include in the student's *IEP*, a statement of measurable goals that describe what the student can be expected to accomplish within a 12-month period, including benchmarks and objectives.

511 IAC 7-26-2(d) with regard to the school's alleged failure to ensure that professional and paraprofessional staff providing services to the student have received specialized inservice training in the area of autism spectrum disorder.

FINDINGS OF FACT:

1. The student (the "Student") is thirteen years old and completed the seventh grade at the local middle school (the "School") during the 2000-01 school year. The School is part of a university laboratory school. The Student is eligible for special education and related services as a student with autism ("Autism").
2. The case conference committee (the "CCC") met on September 15, 2000. The Notes of Discussion at Conference (the "Notes") section of the Student's *IEP* state the following. "[Student] should check w/teacher about missing assignment, then let [teacher of record] know about the missing assignment. Make note on assignment book."
3. The Notes also state "Discussed lunchroom," and "Mom asked someone to check on him during lunch." Additionally, the Notes state that for the purpose of speech that the Student "may go to lunch room to interact" during resource time. No other entries pertaining to lunch were found in the *IEP*.

4. The September 15, 2000, *IEP* contains two Content Standards/Proficiencies pages with accompanying accommodations and modifications. There are two annual goals for speech and language therapy. Only one of those goals has accompanying short-term objectives or benchmarks. There are no other annual goals and short-term objectives or benchmarks in this *IEP*.
5. The Student's assignment notebook for the 2000-01 school year includes an entry written by the complainant (the "Complainant") found on page 27. The entry, which was made during the week of September 25, 2000, states "[Student] had a difficult weekend. Please have him stay in Resource Room for lunch x3." The assignment notebook contains an entry written by the Complainant on October 2, 2000, that states "Stay in Resource Room for lunch. Take meds @ 12N."
6. The CCC met on March 28, 2001. The Notes include the following pertaining to the assignment book.
 - "Assignments still not always getting turned in."
 - "Inconsistent use of assignment notebook."
 - "The assignment notebook was discussed - the following was decided and will be part of his accommodation page: [Student] will write in his assignment book daily in each class period. He will ask the teacher to sign his book at the end of each period. Reward from home will be started again. [Student] will bring assignment book to Resource room to review with [teacher of record] or her designee during Study Skills, she will initial assignment book. [Student] will also bring assignment book to the Resource room and review his assignments at 3:00 p.m. [Teacher of record] or her designee will initial the book before [Student] leaves for the day. [Student] will return to the Resource room at 3:00 p.m. if his book is not signed by [teacher of record] or designee."
7. The accommodations page of the *IEP* states the following pertaining to the assignment notebook.
 - "[Student] will fill out assignment book for each class period. Teachers will initial assignment book at the end of the class. (Behavior plan attached.)"
 - "Daily assignments and test schedules will be given to the Resource Room."
8. The Student's Behavior Contract includes the following.
 - "I will write in my assignment book what the teacher has assigned for homework and have the teacher initial what wrote [sic]. If there is no homework, I will write 'no homework' and have the teacher initial my assignment book."
 - "During Resource study skills as [sic] 12:00 I will show my assignment book to [teacher of record], or the person designated in her absence, and she will initial my book for the first two academic periods."
 - "Before I leave for school, I will make sure that all of my handouts, workbooks, and other materials are in order and placed in the appropriate notebook and in the appropriate folder."
 - "As soon as I see parents, I will show them my assignment book and they will also initial the book."
9. The Notes state the following pertaining to the lunchroom.
 - "Parents - stated that they want him to go to lunchroom...It was decided that he would go to the lunchroom everyday. An adult will go with him to help supervise. Parents wanted a report about how he does in the lunchroom, compliment [Student] when he is there, write down problems, rub his back to redirect him. It was also decided that there would be a signal, giving him a straw, if it was determined by the adult that he should leave the lunchroom."
10. The *IEP* was revised on March 28, 2001, and the Goals and Objectives page includes the following.
 - "[Student] will:
 - Eat in lunchroom daily with peers.

- A. Sit with a group of peers interacting appropriately.
- B. Manage interpersonal situations with peers."

This page also states that a teacher, teaching assistant, or a university student will support the Student in the lunchroom. A card prompt system was to be in place to signal the Student when he needed to change the subject, remove himself from the conversation, or leave the lunchroom.

11. The superintendent (the "Superintendent") and the local director of special education (the "Director") reported that prior to March 28, 2001, the Student was not eating in the lunchroom by his choice. The Student had lunch in the resource room with resource room staff; not as punishment but as a social time with other middle school peers who were also there by choice.
12. The Superintendent and the Director reported that at the March 28, 2001 CCC, meeting the Complainant requested that the Student start eating lunch in the lunchroom from 12:00 - 12:25 p.m., regardless of whether the Student wanted to. The Complainant did not want the Student to have the choice of not eating in the lunchroom.
13. The Principal and the Director reported that since March 28, 2001, the Student went to the refrigerator located in the resource room each day to pick up his lunch. Someone from the resource room then accompanied him to lunch. There was always an adult in the lunchroom who was trained to supervise the Student.
14. The CCC met on May 17, 2001, and wrote the *IEP* for the 2001-02 school year. The *IEP* was revised and includes annual goals and short-term objectives or benchmarks. The supplemental aids column of the *IEP* includes the following.

"An adult will support [Student] in the lunchroom from 12:00 to 12:25 five times a week from August 20, 2001 to May 31, 2002."

The card prompt system that was put into place after the March 28, 2001 CCC meeting was written into the 2001-02 *IEP*. It is to be utilized to signal the Student when a change in subject is needed or when the Student should remove himself from the conversation or lunchroom.
15. The *IEP* for the 2001-02 school year includes an annual goal with short-term objectives that address the use of the Student's assignment notebook. The supplemental aids column of the *IEP* states that the Student will meet with his special education teacher in the resource room from 12:30 - 12:55 daily from August 20, 2001 to May 31, 2002 to work on organizational skills.
16. The assignment notebook used by the Student during the 2000-01 school year indicates the first entry on August 21, 2000. There are thirty-five entries in the assignment notebook regarding tests and quizzes. Three of the entries regarding tests and quizzes appear to have been made by the Student during the first semester, and two of those entries have notations next to them that appear to have been made by a teacher. There are three other entries regarding tests and quizzes that appear to have been made by a teacher. During the second semester it appears that the Student made four entries in the assignment notebook regarding tests and quizzes, and they all contain a notation by a teacher. The remaining entries regarding tests and quizzes appear to have been made by the Student's teachers. Some weeks in the assignment notebook contain no entries regarding tests and quizzes.
17. On February 27, 2001, one of the Student's teachers wrote that the Student was "not following directions for what to write in the planner." During the week of May 14, 2001, the Complainant wrote in the assignment notebook that she had talked with the Student and that he "needs to have teachers sign."
18. The Student's teacher of record (the "TOR") has been working with students with Autism since 1991. The TOR received training specific to Autism on September 24, 1993, Summer 1994, August

1995, December 4, 1998, January 7, 2000, November 11, 2000, February 16, 2001, April 19, 2001, and May 2, 2001.

19. The Student's general education staff were trained on Autism in the 1999-2000 school year prior to receiving the Student in their classes.
20. During the 2000-01 school year all teachers received training on Autism on August 18, 2000. On August 25, 2000, the art, music, band, and physical education teachers were trained on Autism. On October 17, 2000, the School had an inservice training that focused on the Student's *IEP* and Asperger's Syndrome. On January 31, 2000, an inservice training was conducted for School personnel that focused on Asperger's Syndrome.

CONCLUSIONS:

- 1.a. Findings of Fact #2, #6, #7, #8, #16, and #17 indicate that the Student's *IEPs* and Behavior Contract called for him to obtain his teachers' initials in the assignment book. However, during the 2000-01 school year the Student made only six entries regarding tests and quizzes where he then obtained a teacher's initials. No violation of 511 IAC 7-27-7(a) occurred with regard to noting when tests were scheduled.
- 1.b. Findings of Fact #3, #5, #9, #10, #11, #12, and #13 indicate that the Student had lunch in the resource room on four occasions per the Complainant's request; however, the Student chose to have lunch there in order to socialize with his peers and resource room staff. After the March 28, 2001, CCC meeting the Student had lunch in the lunchroom, as requested by the Complainant. A staff person from the resource room accompanied the Student to the lunchroom. No violation of 511 IAC 7-27-7(a) occurred.
2. Finding of Fact #5 indicates that on two separate occasions the Complainant requested that the Student not have lunch in the lunchroom for a total of four days. Findings of Fact #9, #10, #11, and #12 indicate that the Student chose to have lunch in the resource room with his peers; however, after the March 28, 2001, CCC meeting the Student began having his lunch in the lunchroom as requested by the Complainant and as indicated in the revised *IEP*. No violation of 511 IAC 7-27-9(b) occurred.
3. Findings of Fact #4 indicates that the *IEP* dated September 15, 2000, only contained two annual goals for speech and language therapy. Only one of the annual goals contained short-term objectives or benchmarks. Findings of Fact #10 and #15 indicate that subsequent *IEPs* written for the 2000-01 and 2001-02 school years contained and contain, respectively, annual goals and short-term objectives or benchmarks. Although a violation of 511 IAC 7-27-6(a)(2) occurred, it was corrected.
4. Findings of Fact #18, #19, and #20 indicate that the professional and paraprofessional staff who provided services to the Student during the 2000-01 school year received specialized training in the area of Autism. No violation of 511 IAC 7-26-2(d) occurred.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: July 6, 2001

